



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - www.kitsapgov.com/dcd/

Larry Keeton, Director

NOTICE OF ADMINISTRATIVE DECISION

August 27, 2009

To: Interested Parties and Parties of Record

RE: Project Name: Montana Ridge Right-of-Way Use or Improvement
Application: Site Development Activity Permit
File Number: LIS#07 50942

Enclosed is the Administrative Decision issued by the Kitsap County Department of Community Development (DCD) for the above referenced application.

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY HEARING EXAMINER BEFORE THE CLOSE OF BUSINESS ON SEPTEMBER 14, 2009. PLEASE NOTE: THE COURTHOUSE WILL BE CLOSED ON SEPTEMBER 7, 2009.

Pursuant to the Kitsap County Land Use and Development Procedures, an appeal may be filed objecting to the Department's Decision. An appeal must be made in writing, and received by the Department of Community Development (DCD). At the time of filing the appeal, the appellant shall pay the sum of **five hundred dollars (\$500.00)**. This fee is non-refundable and subject to change. Make check payable to Kitsap County Department of Community Development (DCD).

The written appeal shall be made on, or attached to, an appeal form provided by DCD, and shall contain the following information.

1. The project name, project applicant, application type, and file number designated by the County;
2. The name, address, and signature of each appellant. If multiple parties file a single appeal, the appeal document shall designate, in writing, one party as the contact representative for all contact with the DCD Director and the Office of the Hearing Examiner. All contact between the County and the appellants regarding the appeal, including notices, shall be through this contact representative; and
3. A written statement of the specific aspect(s) of the Decision and/or SEPA determination being appealed, the reasons why each is in error

Notice of Administrative Decision – Montana Ridge Right-of-Way - Site Development Activity Permit
August 27, 2009

Notice of Administrative Decision – Montana Ridge Right-of-Way - Site Development Activity
Permit
August 27, 2009
Page 2

as a matter of fact or law, and the evidence relied upon to prove the error.

The complete application file will be available for review at the Department of Community Development, Monday through Thursday, except holidays, from 10:00 a.m. to 3:45 p.m. by appointment only. You may make an appointment by calling me at (360) 337-4487.

If you have questions, please contact me at (360) 337-4487 or Doug Frick (360) 337-5777.

Sincerely,



Karen Ashcraft
Clerk of the Examiner

C: Dana Soyat, 1200 Bethel AVE, Port Orchard, WA 98366
NL Olson & Associates, 2453 Bethel AVE, Port Orchard, WA 98366

Interested Parties:

Joseph F & Gayle M Solimine, 7616 E Idaho ST, Port Orchard, WA 98366
Paul Salvage, 7621 E Idaho ST, Port Orchard, WA 98366
kareenstockton@yahoo.com



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Larry Keeton, Director

August 26, 2009

Dana Soyat
1200 Bethel Avenue
Port Orchard, WA 98366

**Re: Montana Ridge Right-of-Way Use or Improvement
SDAP 07 50942, Submittal No. 3, Plan Acceptance**

Dear Mr. Soyat:

We have completed review of the civil construction site plans for the above referenced project. The SDAP has been given preliminary approval but cannot be issued until after the two week appeal period. Should the appeal process alter the project significantly, additional submittals may be required.

The Notice of Administrative Decision is being mailed along with this letter. **Due to procedural requirement the pre-construction meeting cannot be held until after September 10, 2009.**

We have reviewed and accept for construction the civil site plans for the above referenced project. The Site Development Activity Permit and accepted construction drawings will be issued at the pre-construction meeting. Please contact Ellen Tietz at (360) 337-5777 to schedule the pre-construction meeting.

A. The following items shall be submitted to Development Engineering prior to scheduling the pre-construction meeting:

1. Provide a Certificate of Liability Insurance remaining in force until final construction acceptance is issued by the County. Specify the liability insurance in the amount of not less than one million dollars combined single limit bodily injury and property damage, with a two million dollar aggregate. Include Kitsap County, its officers, and employees as additional insured's with respect to the terms and conditions of the policy. Reference **Montana Ridge Right-of-Way Use or Improvement, SDAP 07 50942** on the Certificate.
2. A recorded Boundary Line Adjustment document that creates the proposed lot layout and creates the access and utility easements for Road A and Bay View Avenue. Review of BLA by this Division is not mandatory but we would be willing to do a check value review if you desire.
3. A Declaration of Covenant regarding use and maintenance of the Kitsap County Right-of-Way shall be recorded (contact Jim Barnard at 360-337-5777).
4. An approved NPDES (Construction Stormwater permit) from the Department of Ecology, required for sites with one or more acres of land-disturbing activity. (See item D.1, below).
5. Prior to construction activities within the right-of-way, a Right-of-Way permit will

Montana Ridge Right-of-Way Use or Improvement

August 26, 2009

Page - 2

need to be obtained from Kitsap County Public Works. Please call (360) 337-5777 for information regarding this permit.

6. This proposed grading activity will trigger a Conversion FPA. A Kitsap County Timber Harvest Permit will be required prior to the preconstruction meeting. Any tree removal in relation to the project FPA within the 200 ft shoreline will require a SSDP Hearing and final approval from the Washington State Department of Ecology Shoreline Division prior to issuance of the SDAP.

B. The permit will be issued with the following conditions:

1. All construction shall conform to the Accepted Plans. Major deviations must have a design revision submitted by the engineer of record for review and acceptance.
2. This permit is issued for construction of roadways and related stormwater conveyance facilities within E. Jessica Way and Unnamed right-of-way extending southerly from the east end of E. Jessica Way and unnamed right-of-way extending southerly from E. Montana Street.
3. Prior to the commencement of clearing and grading activities, the following must be completed to the satisfaction of Kitsap County:
 - a. The construction limits shall be delineated at intervals of fifty (50) feet. The delineation shall be temporary in nature and used for clearing and construction purposes. This work shall be performed by a surveyor licensed by the State of Washington. Under no circumstances may areas beyond the construction boundaries be disturbed, without the issuance by Kitsap County of the necessary permits to work within those areas.
 - b. Temporary silt and erosion control facilities shall be installed prior to clearing and grading. The facilities indicated on the plans are considered to be adequate basic requirements for the anticipated site conditions. Routine inspection and maintenance is required and additional facilities may be required depending on site and weather conditions; and
 - c. Notify Utilities Coordinating Council (811) forty eight (48) hours before starting work.
4. Adjacent property owner's requests regarding disposition of timber and vegetation fronting their respective lots must be adhered to, if rights so exist.
5. Remove only enough vegetation for construction of the proposed improvement; clearing the entire right-of-way should not be necessary.
6. All existing improvements (i.e.; culverts, utilities) shall be relocated at current standards, if necessary, at applicant's expense.
7. All grading shall conform to Chapter 4 of the Kitsap County Stormwater Management Design Manual with emphasis on the following requirements:
 - a. Grading shall take place in such a manner so as not to obstruct or otherwise

Montana Ridge Right-of-Way Use or Improvement

August 26, 2009

Page - 3

- interfere with the natural drainage flows through the site;
 - b. The area receiving fill material shall be prepared by removing vegetation, non-complying fill, topsoil and other unsuitable material and scarifying the surface to provide a bond with the new fill;
 - c. Fill materials shall not contain organic material such as wood or sod, and rock or similar irreducible material with a maximum dimension greater than 12 inches;
 - d. The fill material shall be placed in relatively thin horizontal layers and be compacted to at least 90% of maximum dry density (95% for driveways); additional compaction requirements are outlined in W.S.D.O.T. Standard Specifications Chapter 2-93,3(14)C.
 - e. Slopes shall be no steeper than 2 horizontal to 1 vertical (2:1); and
 - f. Fills that are proposed to be building sites shall be placed under the direction of a Soils Engineer in accordance with the provisions of the Uniform Building Code.
8. It shall be the responsibility of the applicant to verify the quantity of material placed or excavated. Any material that leaves the site must be taken to a permitted SDAP site if over 150 cubic yards.
9. At the end of each days work the contractor shall grade all areas to drain and seal the surface using an acceptable means of compaction. All cleared side slopes shall be seeded as soon as possible or receive some other acceptable surface treatment. Temporary slope protection shall be installed and maintained until surface vegetation has become well established. It should be understood that the agreed upon plan for siltation and erosion control is to be considered a minimum requirement, and that it is the applicant's responsibility to use whatever means are necessary to control siltation and erosion throughout the span of the project.
10. Please contact Development Engineering at 360-337-4633, to schedule inspections as follows:
- a. After silt and erosion control facilities are in place and prior to the commencement of grading operations; and
 - b. For all necessary inspections, including Final and As-Built drawings.
11. It is the owner's responsibility to inspect, clean and maintain the stormwater drainage system.
- C. Development Engineering will recommend granting occupancy and release of financial securities when the following items are completed:**
- 1. Completion, to the satisfaction of Development Engineering, of all work indicated on the plans.
 - 2. Permanent stabilization and restoration of the project site. Final replanting may be

Montana Ridge Right-of-Way Use or Improvement

August 26, 2009

Page - 4

- delayed to the appropriate season, provided that temporary soil stabilization measures are in place and financial security is provided to assure the completion of work.
3. Submittal of one set of reproducible mylar as-built plans (or PDF electronic version) along with two sets of blueprint copies. All sheets containing road and drainage plans, profiles and associated details shall be included in the as-built set. It is not necessary to include grading and erosion control plans and details. The as-built plan set shall be stamped "RECORD DRAWING" and shall be signed and stamped by a professional engineer or land surveyor.
 4. Road name approval for the westerly road access is required. The road name approval request form may be downloaded from the county website:
<http://www.kitsapgov.com/dcd/forms/roadnamepetition.pdf>
 5. Prior to close out of the SDAP, and prior to the sale of any parcel, A Notice to Title shall be recorded for each parcel to indicate this requirement: "AUTOMATIC FIRE SPRINKLERS APPROVED BY THE KITSAP COUNTY FIRE MARSHAL SHALL BE INSTALLED THROUGHOUT HOMES CONSTRUCTED ON THIS LOT".
 6. Prior to final inspection of the SDAP and prior to the sale of any parcel, A Notice to Title shall be recorded for proposed parcels 1 and 2, as shown on the SDAP Site Plan which states: "Due to the Conservancy Shoreline designation of this parcel, and prior to issuance of any building permits, a Shoreline Substantial Development permit and Shoreline Conditional Use permit must be approved by the Department of Community Development."
 7. Site clearing and development shall be subject to the conditions of the Bald Eagle Management Plan, prepared by the Washington Department of Fish and Wildlife.
 8. Parcels may require individual geotechnical reports for building permits. Due to steep slopes, all parcels are subject to Geotechnical review per KCC 19.400.415.
 9. Due to area constraints from on-site wetlands and their associated buffers, averaging was applied. The total area contained within the buffer after averaging shall be no less than that contained within the standard buffer prior to averaging. The decrease in buffer width is the minimum size required for the regulated activity and is no less than 50 percent of the required width. The minimum applied width is 40 ft as shown on the site plan received by Kitsap County Department of Community Development, 5/25/2009. In addition a building or impervious surface setback line of 15 feet is required from the edge of the wetland buffer.
 10. Prior to occupancy, the common boundary between the WETLAND buffer and the adjacent land shall be permanently identified with critical area buffer signs. A total of 5 signs shall be placed along the designated boundary spaced approximately 50-feet apart, visual from sign to sign. Signs must be attached to existing trees

Montana Ridge Right-of-Way Use or Improvement

August 26, 2009

Page - 5

with diameter breast height greater than 4 inches. Alternative methods include 4x4 posts, metal posts or split rail fencing.

11. Signs are provided at issuance and installation of the signs is required prior to final inspection and Certificate of Occupancy (CO).
12. An 80-foot native vegetation buffer must be maintained along the delineated wetland boundary as depicted on the site plan received by Kitsap County Department of Community Development 5/28/2009. In addition a building or impervious surface setback line of 15 feet is required from the edge of the wetland buffer.
13. Permit approval is subject to restrictions of the 200 ft conservancy shoreline buffer. The TESC silt pond is allowed to be installed without SSDP and SCUP permits only if the threshold value does not exceed \$5,718.00.
14. Payment of any outstanding fees.
15. Submittal of any required maintenance bonds.

D. Please be aware of the following requirements by other agencies associated with the proposed construction:

1. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by calling Josh Klimek at 360-407-7451, email jokl461@ecy.wa.gov. This permit is required prior to issuance of the SDAP.
2. Work within the County right-of-way will require a permit to perform work in the County right-of-way and possibly a maintenance or performance bond.

If we can be of further assistance, please contact **Jenifer Lawrence** at (360) 337-5777.

Sincerely,

James E. Barnard, for

Douglas R. Frick
Manager, Development Engineering
Department of Community Development

Copy to: Norman L. Olson, PE
Interested Parties